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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

TECHNOLOGY LICENSING CORP.,

 Plaintiff,

 v.

 BLACKMAGIC DESIGN PTY LTD.,

 Defendant.

Case No. C 13-05184 SBA

**PARTIES' JOINT CLAIM
 CONSTRUCTION AND PREHEARING
 STATEMENT PURSUANT TO PATENT
 LOCAL RULE 4-3**

Pursuant to Local Rule 4-3, Technology Licensing Corporation (“TLC”) and Blackmagic Design PTY Ltd. (“Blackmagic”) hereby submit the following Joint Claim Construction and Prehearing Statement with respect to U.S. Patent Nos. 5,920,842 (“’842 patent”); 6,870,964 (“’964 patent”); 7,382,929 (“’929 patent”); 7,986,851 (“’851 patent”); and RE40,412 (“’412 patent”).

The agreed-upon constructions as well as the proposed constructions of the disputed claim terms, phrases or clauses, together with an identification of the references from the specifications of the patents-in-suit and prosecution history that support that construction, and an identification of any extrinsic evidence currently known to the party on which it intends to rely, is set forth in the charts below and the attached exhibits.

With respect to Local Patent Rule 4-3(a), the parties agree on the follow claim term constructions:

Patent and Term	Agreed Construction
’842 Patent, claim 1: A method of synchronizing a signal having frequency related information timed relative to a first time reference to a second signal on an associated channel timed relative to the same time reference which first signal may or may not be synchronized to the second signal at any point in actual time, the second signal being subject to a delay which may vary in respect to the first signal, the first signal having an alpha length	“alpha length” means the time duration of a contiguous signal block, exclusive of any reset operations
’929 patent, claims 1, 3-4, 7: generating one or more additional pixels to create increased image resolution, at least in part in response to said comparison	“additional pixels” means pixels that were not in the first image

With respect to Local Patent Rule 4-3(b) and (c), and pursuant to the Court’s Patent Standing Order, the following chart contains the ten terms that the parties believe “will be most significant to the resolution of the case,” and for which the Parties seek the Court’s construction. The attached Exhibit A additionally includes references and support for each party’s proposed constructions.

	Patent and Term	TLC's Construction and References	Blackmagic's Construction and References
1	'964 Patent, claim 1: a neighboring pixel means responsive to the signal which carries said image to provide a plurality of image elements	Two or more pixels sufficiently near the central pixel in time or space to be useful for the purpose of comparison. The structures are ones of the software and circuitry described in the patent at Figures 4-5, 7-9 and 4:16-31; 5:51-58; 2:53-56; 7:27-68; 10:25-11:51 and includes delays, memory or registers and their equivalents.	Function: responsive to the signal which carries said image to provide a plurality of image elements. Structure: The video display device embodied in Figure 10, including A-D converter 29, a sync stripper and PLL circuit 30, digital delays 31, 32, and 33, compensating delay 34, and video fill and D-A converter 35, configured as shown.
2	'851 Patent, claim 1: filling a void between the first line and the second line with an image element generated using similar image elements in response to said comparing step;	Any location, existing at the point of image creation, before or after storage, or at the point of presentation, in or around an image where a change of illumination may be made to cause an improvement of the perceived quality of the image. Such voids may include, but are not limited to, defects, unwanted elements, improper elements, corrupted elements, valid but replaceable elements, locations with no image information, and other locations or elements which may be in question or need for improvement.	off pixels or spaces between two pixels; not defective pixels
3	'412 patent, claims 31-34: circuitry responsive to said sync portion and said format signal and said reference signal(s) for comparing said sync portion to said reference signal(s) to provide said logic level version.	"circuitry" means interconnected electronic elements; "sync portion" means the sync pulses in the video type signal. Also, the words "format" and "signals" are terms of art and well known to the person of skill, and thus can be defined separately with the phrase "format signal" in the context of its usage in the	Function: responsive to said sync portion and said format signal and said reference signal(s) for comparing said sync portion to said reference signal(s) to provide said logic level version Structure: Comparator 122 in Fig. 1 including comparators CP14, CP15,

	Patent and Term	TLC's Construction and References	Blackmagic's Construction and References
		claims being an electronic signal indicating the format of the video type signal, e.g., two level standard definition or three level high definition video.". Similarly, "reference" and "signal" are terms of art well known to the person of ordinary skill and in the context of its usage in the claims "reference signal" is an electronic signal representing the midpoint of a sync portion (which is used in the comparing thereto).	CP16 and resistors R35, R36, and R37 illustrated in Fig 3
4	'842 patent, claim 28: correcting pitch artifacts which may occur during said varying of said time period by a pitch correction circuit responsive to said digital samples in delayed or undelayed form.	<p>Plain and ordinary meaning: a pitch correction circuit which responds to the digital samples in delayed or undelayed form.</p> <p>Alternatively, if "pitch correction circuit" is construed as means plus function, then the function and structure are:</p> <p>The function is to respond to said digital samples in delayed or undelayed form to correct pitch artifacts which may occur during varying of said time period.</p> <p>The structure disclosed is the electronic circuit which corrects the pitch artifacts. This circuit may be located so as to operate in response to undelayed samples (such as location at the input of the sample delay) or located so as to operate in response to delayed samples (such as location at the output of the sample delay).</p>	<p>Function: responsive to said digital samples in delayed or undelayed form</p> <p>Structure: SPROC-1400-50PG132C</p>
5	'964 patent, claims 1-3: a fill calculator means responsive to said	This is a means plus function limitation pursuant to 35 U.S.C. §112 ¶6 or 112(f).	Function: responsive to said plurality of image elements, which may be pixels, to

	Patent and Term	TLC's Construction and References	Blackmagic's Construction and References
	plurality of image elements, which may be pixels, to generate a fill signal, said fill signal indicating where said display device may alter voids between image elements	<p>The function is being responsive to at least the neighboring pixel means to generate a fill signal indicating voids which may be filled, which filling can include moving a pixel, pixels or portions of pixels, or creating a new pixel or pixels, or portions of pixels or altering the value of an existing pixels, for filling, substitution or replacement of a void (e.g., by changing the location, size, shape, value, brightness and/or intensity of a pixel).</p> <p>The structures corresponding to the functions included with the scope of the fill calculator include the preferred embodiment as well as digital logic circuitry, binary circuitry and/or a microprocessor and/or ROM and/or PROM and their equivalents. [preferred embodiment element 9 and 26].</p>	<p>generate a fill signal, said fill signal indicating where said display device may alter voids between image elements</p> <p>Structure: The structure coupled to the video fill circuit 35 and including a vertical fill output, rank logic 27, rank logic PROMS 38, fill logic circuit 26, one or more fill logic PROMS 28, difference comparison circuits 27, individual ranking circuit 38, as set forth in Figures 2, 3, 8, and 11 in the '964 patent.</p>
6	'964 patent, claims 4-7, 9: fill calculator circuit coupled to said neighboring circuit to determine if said neighboring elements, including said central element match known patterns of elements	An electronic circuit which responds to at least the central and neighboring pixels through a comparison or inspection involving at least the central and neighboring pixels to generate a fill signal. In the alternative, if means plus function then the function is being responsive to at least the neighboring pixel means to generate a fill signal indicating voids which may be filled, which filling can include moving a pixel, pixels or portions of pixels, or creating an new pixel or pixels, or	<p>Function: to determine if said neighboring elements, including said central element match known patterns of elements.</p> <p>Structure: The '964 patent does not describe any structure that performs the recited function.</p>

	Patent and Term	TLC's Construction and References	Blackmagic's Construction and References
		<p>portions of pixels or altering the value of an existing pixels, for filing, substitution or replacement of a void (e.g., by changing the location, size, shape, value, brightness and/or intensity of a pixel.</p> <p>The structures corresponding to the functions included with the scope of the fill calculator include the preferred embodiment as well as digital logic circuitry, binary circuitry and/or a microprocessor and/or ROM and/or PROM and their equivalents [preferred embodiment elements 9 and 26]. Match known patterns.</p>	
7	'964 Patent, claim 1: Apparatus for improving the apparent resolution of an image displayed by a video display device, including in combination, a neighboring pixel means responsive to the signal which carries said image to provide a plurality of image elements, and a fill calculator means responsive to said plurality of image elements, which may be pixels, to generate a fill signal, said fill signal indicating where said display device may alter voids between image elements.	The smallest complete element of an image.	plain and ordinary meaning
8	'851 Patent, claim 1: filling a void between the first line and the second line with an image element generated using	Encompasses pixels and pels as well as sub pixels and sub pels. An element of an image that may be something other than a pixel.	plain and ordinary meaning

	Patent and Term	TLC's Construction and References	Blackmagic's Construction and References
	similar image elements in response to said comparing step; and displaying said image		
9	'842 Patent, claim 11: The apparatus of claim 10 characterized in that said means for altering the alpha length of the first signal includes a pitch correction means responsive to the digital samples in delayed or undelayed form for correcting pitch artifacts during the varying of said time period.	Unwanted elements, errors, distortions or the like in the sound conveyed by the audio signal, that is, the audio frequency as perceived by human listeners.	plain and ordinary meaning
10	'412 Patent, claim 31: An apparatus for deriving a logic level version of the sync portion of a video type signal, said sync portion having a number of levels N, one of which may be a blanking level, and where N may be two or more depending on the format of said video type signal, said apparatus including: circuitry to provide a format signal changeable in response to the format of said video type signal . . .	<p>The plain meaning of "format" to the person of ordinary skill in the art as used in the context of "format of said video type signal" is well known in the art to mean the way the sync pulses are arranged which in turn depends on the type or standard of the video signal, e.g., two level standard definition or three level high definition video.</p> <p>In the alternative, if it is determined that this is a §112, 6 element, the structure is element 103 and the associated description of Figure 1 and the equivalents thereof any of the well-known video standard circuits which may be utilized for element 103 including those of Exhibits I, K, L and M.</p>	<p>Function: providing a format signal changeable in response to the format of said video type signal</p> <p>Structure: Video Standard Detector 103 in Fig. 1 including control switches SW_L, SW_P, SW_T, and SW_U</p>

Pursuant to the Court's Standing Order, a copy of the disputed patents are attached hereto as Exhibit B. A copy of the file histories will be made available to the Court upon the Court's request.

Both parties reserve the right to seek construction by the Court of additional terms, phrases, or clauses at a later date to the extent permissible under the Federal Rules of Civil Procedure, the Patent Local Rules, and this Court's orders.

With respect to Local Patent Rule 4-3(d), the parties estimate that the claim construction hearing will require three hours. TLC suggests a day should be allotted so that any hearing is not broken up.

With respect to Local Patent Rule 4-3(e), neither TLC nor Blackmagic plans to call a witness.

Dated: July 24, 2015

Respectfully submitted,

/s/ Arthur A. Gasey

/s/ Kathleen D. Lynott

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ATTESTATION

I, Kathleen D. Lynott, an ECF User whose ID and password are being used to file this
JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT PURSUANT TO
PATENT LOCAL RULE 4-3, in compliance with Civil L.R. 5-1(i)(3), hereby attest that, Arthur
A. Gasey, attorney for Technology Licensing Corp., has concurred with this filing.

Dated: July 24, 2015

By: /s/ Kathleen D. Lynott
Kathleen D. Lynott

Attorneys for Defendant
BLACKMAGIC DESIGN PTY LTD.